

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

2500 Tulare Steet, Suite 2501  
Fresno, California 93721  
Tel (559) 499-5800

Filer's Name, Address, Phone, Fax, Email:

Carl Danny and Rita Francine Black  
7001 Creemore Street  
Bakersfield, CA 93308  
661-619-4098 tel  
mrsfblack2@gmail.com

Debtor: Carl Danny Black

Case No.: 14-10782 B

Joint Debtor:  
(if any) Rita Francine Black

Chapter: 13

**REPLY AND DECLARATION TO CHAPTER 13 TRUSTEE MOTION TO DISMISS**

*[Title of Document, e.g., Motion, Application, Declaration, Statement]*

The Debtor's Carl Danny and Rita Francine Black, in pro se, Reply to and submit their Declaration to the Chapter 13 Standing Trustee, Michael H. Meyer's Motion to Dismiss their case pursuant to sec 1307 of the Bankruptcy Code.

The Trustee's motion is based upon:

1. Unreasonable delay; 2. Payments are not current. 3. Failure to appear at 341 hearing. Failure to provide Financial statements; Business Case Questionnaire and Profit and Loss for the six months prior to filing. [11 U.S.C. sec 521 (a)(3)(4)]; 3. Failure to set plan hearing;

**STATEMENT OF THE FACTS:**

On February 21, 2014, the Debtors Black filed their Chapter 13 Plan, to stay a Foreclosure Sale of one of their rental properties, after the purported servicer - Greentree Mortgage, cancelled their loan modification application with 24 hour notice and scheduled the property for foreclosure.

Within 2 hours of the bankruptcy filing, Greentree Mortgage re-instated the modification application (without knowledge of the bankruptcy filing) and then offered a "modification trial" proposal, which the Debtor's did not receive until after the "reply by date". This is the 4th time that Greentree Mortgage has used what has been found in other "servicer activities" to be considered Unfair Business Practices, where the Debtors were forced into Bankruptcy.

In this case, the Debtor's have been forced into Bankruptcy 3 times because of Greentree Mortgage activities where they offered Forebearance Agreements, accepted funds, cancelled the offer, proceeded to foreclose with 48 hour notice.

The Debtor's have paid the Marshall Law Group \$10,000 to assist in the Loan Modification process of 4 of their rental property loan modification applications (of which 3 are currently in "Underwriting")

Currently, the Marshall Law Group is pursuing the request to "accept the untimely received Modification Trial".

The Debtor's bankruptcy plan was filed based upon the 4 Lender Loan Modifications which are in process. and less than \$ 3500.00 in unsecured credit card debt which will be paid through

Dated: June 3, 2014

/s/ Dan Black - Dan Black

(Print name and sign) Dan and Francine Black

Francine Black Francine Black

The Debtors' were out of the State on a business trip that could not have been cancelled when the 341 hearing notice was sent. (the Debtors did not receive the scheduling until after they returned from the out of state business trip, after the April 9, 2014 341 hearing date.)

The Chapter 13 Trustee, rescheduled the 341 hearing to May 15, 2014, which the Debtor's attended and provided all of the documents that the Trustee requested. The Trustee has rescheduled the hearing for the Debtor's to provide additional information and make suggested amendments to the Chapter 13 Plan and schedules. The Debtors are seeking legal assistance from the Marshall Law Group on the suggested changes made as part of their \$10,000 fee paid, which is directly related to the Loan Modification Process that the Debtor's have engaged the Marshall Law Group to assist.

In the event that the court grants the Chapter 13 Trustee's motion to dismiss the Debtors case, the Debtors request that the court acknowledge the good faith efforts of the Debtor's filing in light of the Loan Modification issues with the Greentree Servicer and do not make a ruling that would bar the refiling or bankruptcy stay protection in the event that the Greentree Servicer does not re-instate the "Loan Modification" Trial program submitted on March 7, 2014.

The Debtors are current on their Chapter 13 payments, have filed their case in good faith, and with the loan modification process in place have a feasible plan.

Filer's Name, Address, Phone, Fax, Email:

Carl Danny Black and Rita Francine Black  
 7001 Creemore Street  
 Bakersfield, CA 93308  
 661-619-4097 tel

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 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
 2500 Tulare Street, Suite 2501, Fresno, California 93721  
 Tel: (559)499-5800

Debtor: Carl Danny Black

Case No.: 14-10782

Joint Debtor: Rita Francine Black

Chapter 13

(If adversary proceeding, complete the information below. Use "et al." if multiple parties.)  
 Plaintiff(s):

Adversary Proceeding No.:

vs.

Defendant(s):

Related Docket No.:

**CERTIFICATE OF SERVICE**

Document(s) served:

OPPOSITION TO MOTION TO DISMISS

Date served:

June 3, 2014

The undersigned certifies under penalty of perjury that that the following were served the above document(s) by first class mail unless noted otherwise and that consent was given to any service by fax or electronic means.

[Enter information as shown in example below, including identification of the client if the individual served is an attorney or service agent. CM/ECF Notice of Electronic Filing may be attached to identify parties served. The notation "ECF" means that court records indicate service was made using the court's electronic transmission facilities; "HD" means that service was by hand delivery; "7004(h)" means that service on a depository institution was made by certified mail addressed to an officer of the institution.]

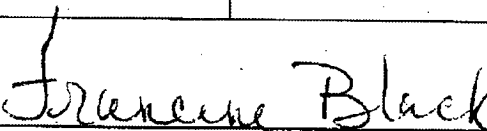
Example:

- Name of individual served
- If attorney, name of client
- Mailing address or  
Email address if served via ECF or  
Fax number if served by fax

Michael H. Meyer, Esq. #82336  
 Chapter 13, Trustee  
 2500 Tulare Street, Suite 2501  
 Fresno, CA 93729  
 Lware@meyer13.com

Dated: June 3, 2014

/s/ Francine Black  
 Signature



(If original signature, print name above)